UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,019	11/22/2000	Kazunori Ukigawa	Q61928	8508

7590	02/16/2005

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EXAMINER
DENNISON, JERRY B

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/717,019	UKIGAWA ET AL.
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 September 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13,20-23,25,26 and 28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13,20-23,25,26 and 28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *22 November 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Application Number 09/717,019 received on 23

September 2004.

2.   Claims 1-13, 20-23, 25, 26, and 28 are presented for examination.

3.   Claims 14-19, 24, and 27 have been canceled.

Priority

4.   Examiner acknowledges the claim for foreign priority made in this application.

5.   The effective filing date for the subject matter defined in the pending claims is

11/25/1999.

Claim Objections

6.   Claim 10 is objected to because of the following informalities: Claim 10 recites

the limitation "for managing relevance between classifications of information and

transmission times o the information". Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by

Nakamura et al. (U.S. Patent Number 5,913,039).

7.   Regarding claims 1 and 9, Nakamura discloses an information server system

which comprises a server device transmitting information in response to a request, and

at least one client device being connected to said server device and sending a request

for transmission of information to said server device, wherein:

said server device includes

schedule management means for managing relevance between classifications of information and transmission times of the information (Nakamura, col. 5, lines 5-10),

request receiving means for receiving, from said client device, a request for transmission of information (Nakamura, col. 4, lines 60-61),

request processing means for processing the request received by said request receiving means (Nakamura, col. 4, lines 62-67),

information providing means for referring to said schedule management means, and for selecting classified information corresponding to a present time, and also for providing the selected information (Nakamura, col. 5, lines 5-11), and

information sending means for sending, through the network, the information provided by said information providing means to a predetermined client device whose request has been processed by said request processing means (Nakamura, col. 5, lines 11-15); and

said at least one client device includes

request sending means for sending a request for transmission of information to said server device through the network (Nakamura, col. 4, lines 52-54);

information receiving means for receiving the information sent from said information sending means through the network (Nakamura, col. 4, lines 56-57); and

information outputting means for outputting the information received by said information receiving means(Nakamura, col. 9, lines 13-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 5, 6, 7, 8, 10, 12, 13, 23, 26, and 28 are rejected under 35 U.S.C.

103(a) as being unpatentable over Nakamura in view of Shaffer et al. (U.S. Patent

Number 6,600,817).

8.   Regarding claims 2, 6, 7, 8, 10, 13, 23, 26, and 28, Nakamura discloses an

information server system which comprises a server device transmitting information in

response to a request, and at least one client device being connected to said server

device and sending a request for transmission of information to said server device,

wherein:

said server device includes

schedule management means for managing relevance between classifications of

information and transmission times of the information (Nakamura, col. 5, lines 5-10),

request receiving means for receiving, from said client device, a request for

transmission of information (Nakamura, col. 4, lines 60-61),

request processing means for processing the request received by said request

receiving means (Nakamura, col. 4, lines 62-67),

information providing means for referring to said schedule management means, and for selecting classified information corresponding to a present time, and also for providing the selected information (Nakamura, col. 5, lines 5-11), and

information sending means for sending, through the network, the information provided by said information providing means to a predetermined client device whose request has been processed by said request processing means (Nakamura, col. 5, lines 11-15); and

said at least one client device includes

request sending means for sending a request for transmission of information to said server device through the network (Nakamura, col. 4, lines 52-54);

information receiving means for receiving the information sent from said information sending means through the network (Nakamura, col. 4, lines 56-57); and

information outputting means for outputting the information received by said information receiving means(Nakamura, col. 9, lines 13-15).

However, Nakamura does not explicitly state wherein the server includes schedule management means for managing relevance between information representing areas and time zones of the respective areas, and an area determination means for determining in which area at least one client device having sent a request for transmission of information exists, and information providing means for selecting classified information corresponding to a present time zone of the area which is determined by said area determination means.

In an analogous art of networking, Shaffer discloses a method and apparatus for monitoring communication connections within and across time zones where the server determines the time zone of the calling communication terminal (Shaffer, col. 5, lines 20-34). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate Shaffer into Nakamura to provide time-dependent monitoring of communication connections to a target communication terminal when a client makes a request from a different time zone (Shaffer, col. 2, lines 25-30) allowing the server to provide proper information according to the time zone of the client.

9.   Regarding claim 3, Nakamura and Shaffer disclose the limitations, substantially as claimed, as described in claim 2, including

wherein said server device further includes schedule information sending means for sending schedule information representing relevance between classifications of information and transmission times of the information to said at least one client device through the network (Nakamura, col. 10, lines 35-41);

said at least one client device further includes

schedule information receiving means for receiving schedule information sent from said schedule information sending means through the network (Nakamura, col. 10, lines 42-43), and

request inputting means for inputting a request for transmission of information from said server device, in accordance with the schedule information

received by said schedule information receiving means (Nakamura, col. 10, lines 56-57); and

said request sending means for sending a request for transmission of information to said server device based on an input from said request inputting means (Nakamura, col. 10, lines 56-57).

10.   Regarding claims 5 and 12, Nakamura and Shaffer disclose the limitations, substantially as claimed, as described in claims 2 and 10, including wherein the network is the Internet (Shaffer, col. 6, line 10). See motivation above.

Claims 4, 11, 20-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Shaffer as applied to the limitations of claim 2 above, and further in view of Logue et a. (U.S. Patent Number 5,935,207).

11.   Regarding claims 4, 20, 22, and 25 Nakamura and Shaffer disclose the limitations, substantially as claimed, as described in claim 2. Nakamura and Shaffer do not disclose an intermediate device which has at least one client device thereunder, and is connected to said server device through the network, and intermediates entire data transmissions between said at least one client device and said server device, and wherein:

said intermediate device includes second schedule management means for managing schedule information representing substantially same contents as the

relevance between the classifications of information and the respective transmission

times of the information managed by said schedule management means,

information storage means for storing information provided by said information

providing means in one of said at least one client device under said intermediate device,

and

request processing means for processing a request, for transmission of

information, received from said at least one client device under said intermediate

device, and for providing corresponding information to said at least one client device;

and

said request processing means refers to said second schedule management

means so as to determine whether the information requested to be transmitted by said

at least one client device is stores in information storage means,

reads out, when determined that the requested information is stored in said

information storage means, the requested information from said information storage

means, and provides said at least one client device with the read information, without

sending a request for transmission of the information to said server device through the

network, and

sends the request, when determined that the request information is not stored in

said information storage means, to said server device through the network, and controls

said information providing means to provide the requested information.

In an analogous art, Logue discloses a method and apparatus for providing

information from a proxy's cache and for dispatching requests wherein the proxy server

receives the client request and determines whether it can handle the request or forward

the request to the appropriate server (Logue, col. 10, lines 30-43). Therefore it would

have been obvious to one in the ordinary skill in the art at the time of the invention to

incorporate the functionality of the server produced by the combination of Nakamura

and Shaffer into the proxy server of Logue for the purpose of managing internet traffic

and improving performance of the server by supplying frequently requested data from

the proxy, reducing the number of requests that the serviced by the remote server itself

(Logue, col. 2, lines 25-33).

12.   Regarding claim 11, Nakamura and Shaffer disclose the limitations, substantially

as claimed, as described in claims 2 and 10, including wherein said information

providing means further includes counting means for counting a number of client

devices which have sent a request for transmission of information or a number of client

devices to which said information sending means has sent requested information,

according to the classifications of the information (Logue, col. 2, lines 19-30). See

above for motivation.

13.   Regarding claim 21, Nakamura and Shaffer disclose the limitations, substantially

as claimed, as described in claims 2 and 20, including wherein the network is the

Internet (Shaffer, col. 6, line 10). See motivation above.

Response to Amendment

14.   Applicant's arguments and amendments filed on 23 September 2004 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by including new limitations to independent claim 10 will require further search and consideration*) to the claims which significantly affected the scope thereof.

15.   Applicant's arguments with respect to claims 1, 2, 4, and 9 have been fully considered but they are not persuasive. Regarding claims 1 and 9, Applicant's arguments include the failure of previously applied art to expressly disclose the teachings that the server acts to delay a response to a request made by a subscriber, based on time difference data kept at the server [see Applicant's Response, page 16]. It is evident from the mappings found in the above rejection that Nakamura discloses the teaching of storing start times for transmission of information based from client requests. Applicant's arguments also include the failure of previously applied art to expressly disclose the teachings f a schedule management means possessed by the server [see Applicant's Response, pages 17-18]. It is evident from the mappings found in the above rejection that Nakamura discloses the teaching of both server and client including schedule management means. Further, it is clear from the numerous teachings (previously and currently cited) that the provision for using "scheduling of data transmission" was widely implemented in the networking art.   Regarding claim 2,

Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of the area determination means in which the server determines which area the client exists. It is evident from the mappings found in the above rejection that the combination of Nakamura and Shaffer discloses this functionality, using a time zone offset value. Applicant only claims responding to client requests based on the clients area and time zone. By Shaffer including a time zone offset value in the server's database, the server must be able to determine the location of the client

16.   Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Nakamura, Shaffer, and Logue clearly teach the independent claims of the Applicant's claimed invention.

17.   Applicant's arguments with respect to claims 1, 2, 4, and 9 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

18.   Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Nakamura and Shaffer as well as other prior arts of records disclosed scheduling of data transmission is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit

amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

19.   It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

20.   Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

It is presumed that the claims invoke "means plus function" language and interpretation in accordance with 35 USC 112 sixth paragraph. In order to verify and ascertain the metes and bounds of the claimed invention, Applicant is requested to isolate the portion(s) of the specification which dictates the structure relied on for proper interpretation if this presumption is appropriate.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571)272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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J. B. D.
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